

Appl. No. 10/039,442
Atty. Docket No. 7310C
Reply to Office Action of August 7, 2003
Customer No. 27752

REMARKS

Claims 1, 4 and 6 are pending in the present application. No additional claims fe is believed to be due.

Claim 1 has been amended to recite that the tampon comprises a withdrawal string that is attached to the head portion of the absorbent body. Support for the amendment is found in Claims 2 and 3.

Claim 4 has been amended to depend from Claim 1.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 U.S.C. § 103 Over Bailey

Claims 1-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bailey.

Applicants respectfully traverse the rejection.

The Office Action states that Bailey discloses a bag-like absorbent body, a head portion, and a trailing end. The Office Action states that Bailey does not specifically disclose the shape modulus of compression for the tampon because Bailey was not concerned with this variable. Thus, the Office Action states that Bailey is silent to this limitation. The Office Action contends that because the modulus of compression is the force required to more or less flatten the tampon so the interior has essentially no volume, the Examiner feels that it is inherent that it would take less than 0.05 pounds of force to more or less flatten the tampon of Bailey so the interior has essentially no volume. The Office Action states that Bailey is made of cotton, which is one materials that the Applicant has claimed, and the tampon may be simply one layer of the cotton, so the Examiner feels that the tampon of Bailey meets the limitation for the shape modulus of compression. Thus, the Examiner feels there is enough to conclude the limitation of shape modulus of compression is inherent in Bailey. The Office Action states that Bailey does not disclose a trailing portion and a head portion with the claimed dimensions. The Office Action contends that from the Figures it can be seen that Bailey discloses a head portion that is smaller than the trailing portion just as in the claimed ranges. The Office Action states that the claimed ranges for the dimensions in Bailey include the situation where the trailing portion is approximately twice the size of the head portion, which is very similar to what Bailey discloses.

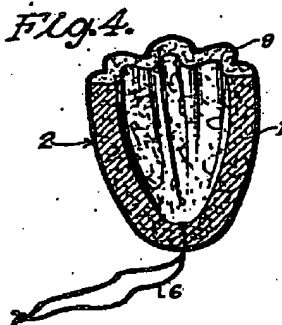
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Further, the Office Action contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the tampon of Bailey with a trailing portion and head portion in the claimed ranges. The reason for this is that in claiming a size for a tampon both Bailey and Applicant are more or less dictated by the fact that the tampon must be of a size that fits into the vagina. The Office Action finally stated that it has been routinely held that mere changes in dimensions with no criticality for the claimed dimensions are insufficient to define over the applied prior art.

The Applicants respectfully traverse the rejection.

Bailey does not teach or suggest each and every element in Claim 1. The Applicants' Claim 1 discloses a closed head portion that is wider than the open trailing portion. The Applicants' head portion ranges in width from about 1.5 cm to about 8 cm whereas the trailing portion ranges in width from about 1 cm to 3 cm. Thus, the Applicants head portion of the tampon is larger than the trailing portion of the tampon. As amended Claim 1 recites a catamenial tampon comprising a withdrawal string that is attached to the head portion, the wider portion of the tampon.

Bailey discloses a configuration that is opposite of the Applicants, as shown below by way of attached FIG 4.



The figures of Bailey show a tampon with a narrow portion and a broad open portion. The figures show that the withdrawal string of the tampon is attached to the narrow portion of the tampon. Thus, Bailey does not teach or suggest a catamenial tampon comprising a withdrawal string wherein the withdrawal string is attached to the wider head portion of the tampon. Accordingly, Bailey does not render the Applicants' present invention unpatentable under 35 U.S.C. § 103. In light of the amendments contained herein, Applicants respectfully request reconsideration of all rejections to objections to the claims under 35 U.S.C. § 103.

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Conclusion

In light of the above remarks, it is requested that the Examiner withdraw the rejection under 35 U.S.C. § 103. Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1, 4 and 6. Early and favorable action in the case is respectfully requested.

Respectfully submitted,

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